



OFFICE OF THE ATTORNEY GENERAL

Adam Paul Laxalt, *Attorney General*

100 North Carson Street
Carson City, NV 89701
Telephone - (775) 684-1100
Fax - (775) 684-1108
Web - <http://ag.nv.gov>

FOR IMMEDIATE RELEASE

Date: August 24, 2015

Contact: Patty Cafferata

PCafferata@ag.nv.gov / 775-684-1136

Attorney General Laxalt Announces Settlement of More Than \$1.2 Million With K-12 Test Distributor

Carson City, NV – Nevada Attorney General Adam Paul Laxalt announced that his office, representing the Nevada Department of Education (NDE), reached a pre-litigation settlement with Measured Progress, Inc. The settlement is a result of the company's failure to provide an efficient testing system intended to deliver Nevada's Criterion Referenced Tests (CRTs) to students in grades three through eight. In March 2015, electronic testing materials developed by the Smarter Balanced Assessment Consortium and delivered by Measured Progress failed, preventing students across Nevada from completing their federally mandated standardized tests. After extensive pre-litigation negotiations, the company agreed to refund the NDE a total of \$1.299 million in cash and services to cover some of the costs of the testing program, and to assist with future educational programs.

"This settlement is just one example of how litigators in my office problem-solve to keep the state out of court and save taxpayers' money," said Laxalt. "Without being embroiled in costly litigation, the state will be reimbursed for its losses and can now focus on ensuring that students will be able to complete next year's examinations without interruption."

In 2010, Nevada partnered with Smarter Balanced Assessment Consortium, a group of states that collaboratively developed the assessments to serve as Nevada's CRTs. In the same year, the NDE entered into a contract with Measured Progress to deliver various assessments that included the CRTs. Among other things, Smarter Balanced was to provide test content and a test delivery platform to Measured Progress, the entity responsible for delivering Nevada's CRTs, as well as managing and executing an effective technology rollout of the Smarter Balanced assessments.

Originally, testing scheduled for March 16 was delayed until March 30, 2015 for Smarter Balanced to test the quality of the system. Despite the delay, students experienced difficulty logging into and staying on the online assessment portal. As a result, students

across Nevada were unable to complete the assessment, thereby invalidating their scores.

“I appreciate Attorney General Laxalt and his staff for working with the Department of Education on this important matter,” added Superintendent of Education Dale Erquiaga. “Nevada's testing experience in 2015 was completely unsatisfactory, however, this settlement demonstrates that Measured Progress is committed to doing the right thing. We are now able to move forward and focus on the needs of our students.”

The settlement resolves allegations that Measured Progress failed in its obligations to deliver a fully functioning test. Measured Progress will be required to reduce its fees by \$789,021. Additionally, Measured Progress will provide Nevada’s middle schools with a product valued at \$510,000 that will help students and teachers transition to the Next Generation of Science Standards. Measured Progress’s contract to deliver assessments ended in 2015. No settlement has been reached with Smarter Balanced, the successor entity to the Smarter Balanced Assessment Consortium at this time.

Deputy Attorney General Gregory D. Ott represented Attorney General Laxalt and the Nevada Department of Education in this matter.

To view the Measured Progress settlement, click [here](#).

###